

## **REMARKS**

In the present application, Claims 1-18, 33 and 34 are pending in the application, Claims 19-32 having been cancelled pursuant to the Restriction Requirement mailed June 7, 2005, and of which Claims 1-11, 15, 33 and 34 are rejected and Claims 12-14 and 16-18 are objected to. In the foregoing amendment, Claims 1, 13, 15 and 17 are amended to remove the objection to Claims 12-14 and 16-18. Claims 12 and 16 are also cancelled in the foregoing amendment. Applicant appreciates the allowability of Claims 12-14 and 16-18 in their amended form as presented above and respectfully submits that Claims 1-18, 33 and 34, except for the cancelled Claims 12 and 16, are now in condition for allowance and better form for appeal. The entry of this amendment and the allowance of the amended claims is hereby respectfully requested.

Applicant respectfully responds to the Examiner's response to arguments on pages 3 and 4 of the present Detailed Action for the record as follows. Given that *King* is an acceptable primary reference, the combination with *Holtom* still fails for the reasons detailed in Applicant's response to the previous Office Action, and for the reasons presented further herein.

In analyzing the *Holtom* reference Applicant respectfully points out that the only description provided in *Holtom* of an "interlock means" appears in column 2, lines 56-60; column 5, lines 13-21; and column 6, lines 41-43. (The column 6 text is the only recitation in the claims of *Holtom* of the interlock means referred to by the present Detailed Action). Applicant further respectfully submits that there is no disclosure anywhere in *Holtom* of the required showing of (a) an operative connection between the hydraulic cylinders 18 for operating the compaction blade 13 and the compaction electrical circuit (not shown); (b) of how the proximity switch 24 controls the operation or release of the hydraulic cylinders 18; and (c) of how the locking bar 23 acts to operate the proximity switch 24 shown in Figures 2 and 3 of *Holtom*.

In contrast, Applicant's Claim 1 as originally filed recited "an interlock device *coupled between* the hydraulic actuating cylinder and the *hydraulic control system* such that the powered implement

within the hopper body is prevented from operating whenever the safety door is not in a substantially closed position." The italicized features of this subparagraph of Applicant's Claim 1 are not disclosed in *Holtom*. Thus, the requirement for reading the recitation of an Applicant's claim upon a prior art reference is not met. In other words, not disclosed in *Holtom* are the following features: (a) the coupling between the hydraulic actuating cylinder and the hydraulic control system; (b) the compaction electrical circuit; and (c) the hydraulic *control system* that is required for operating the hydraulic cylinders 19. There simply is not sufficient disclosure in the *Holtom* reference, as provided in Applicant's specification, to enable a person skilled in the art to implement the interlock device recited in Applicant's Claim 1. Further discussion of these deficiencies of the *Holtom* reference is contained in the following two paragraphs.

First, it is asserted in the Detailed Action on page 4 in the first paragraph that *Holtom* "has been used solely as a teaching of the use of a safety system on a hopper door, not of an auger or any other structure taught by *King*." Though this statement is correct in and of itself, it does not address the fact that *Holtom* does not completely disclose the structure of his interlock system,. There are two defects in the application of *Holtom* in combination with *King*. The first is that the disclosure of *Holtom* does not adequately support his own invention. Second, Applicant's "interlock device coupled between the hydraulic actuating cylinder and the hydraulic control system such that the power implement within the hopper body is prevented from operating whenever the safety door is not in a substantially closed position" does not fully read on the disclosure in *Holtom*. Thus, *Holtom* hardly "gives clear teaching that would have one skilled in the art to combine the interlock/control system with a different type of hopper, such as that of *King* . . . [nor does it teach one with] ordinary skill [how] to have modified the system of *Holtom* for use with *King*," as asserted on page 4 of the Detailed Action. Applicant respectfully submits that *Holtom* lacks sufficient disclosure to enable one of ordinary skill to construct the interlock device to modify the hopper of *King* as recited in Applicant's Claim 1 without the teaching provided by the recitation in Applicant's claimed invention.

Second, the Applicant respectfully disagrees with the Examiner's statements on lines 8-12 of page 4, because it assumes, incorrectly as shown herein above, that *Holtom* is an adequate secondary

reference to combine with *King* and that the combination of *Holtom* and *King* properly and completely renders obvious the invention as recited in Applicant's Claim 1. Applicant, in the response to the previous Office Action pointed out that his invention provides a solution to a long sought need. The lack of a sufficient and complete teaching in the references of an interlock device *as claimed* in Applicant's invention, and of any motivation in either *King* or *Holtom* to combine one with the other renders the combination of *King* and *Holtom* ineffective. Applicant respectfully resubmits that this combination does not meet the requirement for a rejection under 35 U.S.C. § 103(a).

In the foregoing amendment Claim 1 has been amended by incorporating the recitations from Claim 12 therein, thus rendering Claim 1 as amended allowable over the prior art of record. Similarly, Claim 15, upon which Claim 16 depended, has been amended by incorporating most of the recitations of Claims 1 and 16 therein, thus likewise rendering Claim 15 as amended allowable over the prior art of record. Further, since all the remaining claims pending in the present application, that is Claims 2-18 and 33 and 34 except for the cancelled Claims 12 and 16, are dependent upon the base Claim 1, or the now independent Claim 15, all of these respective dependent claims contain the same limitations as recited in the amended Claims 1 and 15, and Applicant respectfully submits that all of the pending claims are allowable over the cited prior art. Applicant therefore respectfully submits that the pending claims are now in condition for allowance and better form for appeal. The entry of the foregoing Amendment After Final is respectfully requested.

The final Office Action was mailed in the present case on December 14, 2005, making a response due or on before March 14, 2005. Since this response is being submitted in a timely manner, and this reply is being filed within two months of the mailing date of this final action, no additional fee is thought to be due at this time. If any additional fee is due for the continued prosecution of this application, please charge the same to Applicant's Deposit Account No. 50-2555 (Whitaker, Chalk, Swindle & Sawyer, LLP).

Respectfully submitted,



Date: Jan. 17, 2006

Stephen S. Mosher  
Reg. No. 33,974  
Whitaker, Chalk, Swindle& Sawyer, LLP  
301 Commerce St, Suite 3500  
Fort Worth, Texas 76102  
(817) 878-0549

ATTORNEY(S) FOR APPLICANT

R:\Stor\CDG\HD\020\AMD2.wpd